



Complaints

Fact Sheet

Section 105.957 RSMo.

Filing a Complaint with the Missouri Ethics Commission

The Missouri Ethics Commission's jurisdiction includes investigating complaints of reporting and filing (disclosure) violations for campaign finance, financial interest, and lobbyists. In addition, the Missouri Ethics Commission investigates complaints about:

- ✓ Codes of Conduct adopted by a department, division, state agency, and state institutions of higher learning
- ✓ Conflict of Interest laws
- ✓ Order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees, including constitutional provisions or state statutes

To file a complaint, complete the *Official Complaint Form*. This form should contain all known facts, must be filed by a natural person, notarized, and mailed or delivered in person to the Missouri Ethics Commission.

Complaints Not Investigated by the Missouri Ethics Commission

The Missouri Ethics Commission may refuse to investigate any conduct that is the subject of civil or criminal litigation. The Missouri Ethics Commission cannot investigate complaints that:

- ✓ Refer to conduct occurring prior to the expiration of the statute of limitations for criminal conduct
- ✓ Are related to conduct occurring more than two years prior to the complaint date and are not criminal violations
- ✓ Alleges conduct by a candidate for public office, other than failure to timely or accurately file a personal financial disclosure statement or campaign finance disclosure report, or any other violation of the campaign finance law (Ch. 130 RSMo), from 60 days prior to the primary until after the general election
- ✓ Provides any allegation against a candidate or a candidate committee, within 15 days prior to the primary or general election in which the candidate is running for office

Complaint Notification

Within five days of receipt of a complaint, the Missouri Ethics Commission sends a copy of the complaint and the complainant's name to the person/entity that the complaint is brought against (respondent). The statute requires that any Missouri Ethics Commission's investigation and hearing held related to a complaint remains closed. The final disposition of the complaint is made public.

Complaint Process

The Missouri Ethics Commission, after notification to the person(s) being investigated and the complainant, assigns an investigator to the case, and conducts an investigation. The Missouri Ethics Commission takes one of the following steps:

- ✓ Dismisses the case if reasonable grounds are not found that a violation occurred **or**
- ✓ Refers the case to the Missouri Ethics Commission's general counsel in preparation of a hearing, when reasonable grounds are found that a violation occurred **or**
- ✓ Refers the case to a prosecuting attorney for violations of criminal law

The Missouri Ethics Commission conducts hearings for cases referred to the Commission's general counsel or enters into a joint stipulation with the parties involved. The hearings are required, by Missouri law, to be closed.

Complaint Confidentiality

Missouri law provides that investigations are strictly confidential and that the Missouri Ethics Commission cannot confirm whether an investigation is being conducted. The Missouri Ethics Commission's final action regarding an investigation is made public on their website, www.mec.mo.gov, Commission Actions. The final action provides the case #, name of the respondent (person(s) investigated), county respondent resides in, Missouri state statute reference, and the final action. The Missouri Ethics Commission's final order regarding an investigation can also be made available to the public, upon written request.

Frivolous Complaints

The Missouri Ethics Commission must dismiss any complaint which it finds to be frivolous in nature, which is lacking basis in fact or law. Any person submitting a frivolous complaint shall be held liable for actual and compensatory damages to the alleged violator. A finding by the Missouri Ethics Commission that a complaint is frivolous becomes public record.